

EX PARTE OR LATE FILED
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September 15, 2005

RECEIVED

SEP 15 2005

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW, Room 8B201
Washington, DC 20554

Re: Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in
the Omaha Metropolitan Statistical Area
WC Docket No. 04-223
Notice of Oral and Written Ex Parte Communications

Dear Ms. Dortch:

I am writing this letter to report that on September 14, 2005, on behalf of Cox Communications Inc. ("Cox"), I had conversations Michelle Carey, legal advisor to Chairman Martin, Russ Hanser, legal advisor to Commissioner Abernathy, Scott Bergmann, legal advisor to Commissioner Adelstein, and Jeremy Miller, deputy chief of the Competition Policy Division of the Wireline Competition Bureau concerning the above-referenced proceeding. During those conversations, we discussed the memorandum submitted to the Commission by Cox on September 13 and considerations relating to the significance of the availability of collocation to Cox's operations in Omaha.

Mr. Miller and I also discussed questions relating to Cox's coverage of the Omaha MSA and concerning cable modem service. On the same date, I sent an email to Mr. Miller concerning those issues. A copy of the email is attached to this letter.

In accordance with the requirements of Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed with the Secretary's Office on this date and copies of this letter are being provided to the Commission personnel named above.

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Marlene H. Dortch, Esq.

September 15, 2005

Page 2

Please inform me if any questions should arise in connection with this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.G. Harrington", with a stylized flourish at the end.

J.G. Harrington

Counsel to Cox Communications, Inc.

Attachment

cc (w/o attachment): Michelle Carey
Russ Hanser
Scott Bergmann
Jeremy Miller

Harrington, J.G.

From: Harrington, J.G.
Sent: Wednesday, September 14, 2005 3:27 PM
To: 'jeremy.miller@fcc.gov'
Subject: Qwest petition for forbearance, WC Docket No. 04-223 - Response to additional staff questions

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Written Ex Parte Communication

As we discussed earlier today, this e-mail responds to two inquiries from the staff in connection with the above-referenced proceeding:

1. Cox has reviewed the estimate of the number of subscribers to Cox's cable modem service in the Omaha MSA as of December, 2004 contained in Qwest's May 20, 2005 written ex parte. (The estimate appears on page 17 of the presentation attached to the cover letter.) Cox agrees that this estimate is reasonable.
2. In connection with Cox's September 13 ex parte memorandum, I am providing additional information concerning the nature of Cox's coverage estimates. The Cox coverage estimates are based on the number of customer locations within the identified wire centers. These estimates do not distinguish between MTEs and other buildings. In this regard, the estimates in many cases will show a somewhat lower percentage of coverage than an estimate based on population. At the same time, however, and as Cox previously has described, the estimates do not consider MTEs to which Cox does not have access. This countervailing factor means that the estimates show a somewhat higher percentage of coverage than an estimate that included MTEs to which Cox does not have access. In any event, and as described in the September 13 ex parte memorandum, there is a strong correlation between the coverage described in Cox's June 30 responses to staff questions and covered population in the wire centers subject to the petition.

In accordance with Section 1.1206 of the Commission's rules, notice of this written ex parte communication will be filed with the Secretary's office by the close of the business day following the submission of this memorandum.

Please inform me if any questions should arise in connection with this message.

Respectfully submitted,

J.G. Harrington

Counsel to Cox Communications, Inc.

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